

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
NORTHERN DIVISION
AT COVINGTON

CIVIL ACTION NO. 18-11-DLB

WILLIAM C. SHEHAN, JR.

PLAINTIFF

VS. ORDER ADOPTING REPORT AND RECOMMENDATION

DEPARTMENT OF THE TREASURY

DEFENDANT

* * * * *

This matter is before the Court upon the June 18, 2018 Report and Recommendation (R&R) of United States Magistrate Judge Candace J. Smith (Doc. # 18), wherein she recommends that the Court grant Defendant's Motion to Dismiss (Doc. # 8) based upon Plaintiff's failure to exhaust his administrative remedies. During the June 12, 2018 Motion Conference before the Magistrate Judge, Plaintiff agreed that dismissal of the instant suit was proper due to his failure to exhaust. (Doc. # 17). Shortly thereafter, the Magistrate Judge issued the R&R. (Doc. # 18). The time for filing objections having now expired, the R&R is ripe for the Court's consideration.

The Court having reviewed the R&R, and concluding that it is sound in all respects, including the recommended dismissal of Plaintiff's Complaint (Doc. # 1), and the Court being otherwise sufficiently advised,

IT IS ORDERED as follows:

(1) The Magistrate Judge's Report and Recommendation (Doc. # 18) is **adopted** as the Opinion of the Court;

- (2) Defendant's Motion to Dismiss (Doc. # 8) is **granted**;
- (3) Plaintiff's Complaint (Doc. # 1) is **dismissed without prejudice**; and
- (4) This matter is **dismissed and stricken** from the Court's docket.

This 21st day of August, 2018.



Signed By:

David L. Bunning *DB*

United States District Judge

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